

January 29, 2008

Marlene H. Dortch, Esq.
Secretary
Federal Communications Commission
445 12th Street, SW, Room 8B201
Washington, DC 20554

FILED/ACCEPTED

JAN 29 2008

Federal Communications Commission
Office of the Secretary

Re: Petition of Qwest Corporation for Forbearance Pursuant to 47 U.S.C.
§ 160(c) in the Omaha Metropolitan Statistical Area,
WC Docket No. 04-223;

Petitions of the Verizon Telephone Companies for Forbearance Pursuant to
47 U.S.C. § 160(c) in the Boston, New York, Philadelphia, Pittsburgh,
Providence and Virginia Beach Metropolitan Statistical Area,
WC Docket No. 06-172

Response to Motion to Modify Protective Order

Dear Ms. Dortch:

Cox Communications, Inc. ("Cox"), by its attorneys, hereby provides its limited consent to modification of the *Protective Order* in WC Docket No. 04-223.¹ On January 17, 2008, Verizon filed a motion seeking modification of the *Protective Order* to permit Verizon to access and use the confidential information contained in the non-public version of the Commission's *Omaha Forbearance Order* for purposes of appealing the Commission decision in the *Verizon Forbearance Order* before the United States Court of Appeals for the District of Columbia Circuit.² Verizon acknowledges that any confidential information contained in court documents or otherwise disclosed to the court must be filed under seal. In addition to this restriction, Cox requests that the Commission impose the additional conditions described below before granting any request for modification of the *Protective Order*.

The confidential information disclosed in the *Omaha Forbearance Order* that pertains to Cox's operations continues to be highly competitively sensitive and should remain confidential. Nonetheless, Cox does not object to permitting Verizon and other parties to Verizon's appeal access to the information Verizon seeks, provided that each

¹ See Petition of Qwest Corporation for Forbearance Pursuant to 47 U.S.C. § 160(c) in the Omaha Metropolitan Statistical Area, *Protective Order*, 19 FCC Rcd 11377 (2004) (the "*Protective Order*"), *aff'd* by *Qwest Corp. v. FCC*, 482 F.3d 471 (D.C. Cir. 2007).

² See Petition of Qwest Corporation for Forbearance Pursuant to 47 U.S.C. § 160(c) in the Omaha Metropolitan Statistical Area, *Memorandum Opinion and Order*, 20 FCC Rcd 19415 (2005) (the "*Omaha Forbearance Order*"); Petitions of the Verizon Telephone Companies for Forbearance Pursuant to 47 U.S.C. § 160(c) in the Boston, New York, Philadelphia, Pittsburgh, Providence, and Virginia Beach Metropolitan Statistical Areas, WC Docket No. 06-172, FCC 07-212 (rel. Dec. 5, 2007) (the "*Verizon Forbearance Order*"), *petition for review pending*, No. 08-1012 (D.C. Cir. filed Jan. 14, 2008).

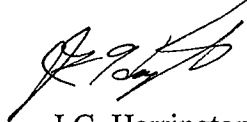
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party's in-house and outside appellate counsel remain otherwise subject to at least the same restrictions as any other parties that have gained access to the *Omaha Forbearance Order*. Specifically, the Commission should strictly limit use of the confidential material to the context of Verizon's appeal and forbid the use of the information in any other court or regulatory proceeding. Moreover, the Commission should require that any party's in-house or outside appellate counsel wishing to gain access to the unredacted *Omaha Forbearance Order* must sign onto and abide by the terms of the *Omaha Protective Order*. These conditions, coupled with the guarantees provided by Verizon in its Motion, should be sufficient to safeguard the competitively sensitive information included in the *Omaha Forbearance Order*. Therefore, Cox consents to the Commission grant of the Motion, subject to the conditions described herein.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "J.G. Harrington", is written over a horizontal line.

J.G. Harrington
Counsel to Cox Communications, Inc.

cc: Timothy Stelzig


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Respectfully submitted,



J.G. Harrington
Counsel to Cox Communications, Inc.

cc: Timothy Stelzig